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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,899	06/02/2001	Scott A. Eden	01090	4623

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Charles F. Meroni, Jr.
Meroni & Meroni
A Professional Corporation
P.O. Box 309
Barrington, IL 60011

EXAMINER

A, PHI DIEU TRAN

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,899

Applicant(s)

EDEN, SCOTT A.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 40-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 40-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The indicated allowability of claims 1-6 is withdrawn in view of the newly discovered reference(s) to Doleshal and Williams et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doleshal (5813800) in view of Fuller (5605414) and Williams et al (5516236).

Doleshal (figure 7, 12-14) shows a columnar jack concealing structure having an adjustable columnar jack (151), a stiff skirt circumferentially adjustable relative to the columnar support, the columnar support having a top end and a bottom end opposite the top end, the columnar jack for placement at either the top end or the bottom end and concealed thereat by the stiff skirt.

Doleshal does not show an adjustable flexible strap, a mechanically adjustable clamp, the flexible strap for surrounding and engaging a portion of the columnar support adjacent the columnar jack, the mechanically adjustable clamp for attaching the adjustable, stiff skirt to the adjustable flexible strap and to the columnar support, the stiff skirt for concealing the adjustable columnar jack, the adjustable, flexible strap for folding over and for protectively covering the mechanically adjustable clamp.

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Fuller shows a flexible strap(30) for surrounding and engaging a portion of a columnar support adjacent the columnar jack to conceal a clamping means and a stiff skirt, a skirt (15) for covering the flexible strap.

William et al shows a mechanically adjustable clamp (13) for attaching an adjustable flexible strap (2) to a columnar support.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Doleshal to show an adjustable flexible strap as taught by Fuller, a mechanically adjustable clamp as taught by William et al, the flexible strap for surrounding and engaging a portion of the columnar support adjacent the columnar jack, the mechanically adjustable clamp for attaching the adjustable, stiff skirt to the adjustable flexible strap and to the columnar support, the stiff skirt for concealing the adjustable columnar jack, the adjustable, flexible strap for folding over and for protectively covering the mechanically adjustable clamp because having a stiff skirt covering a flexible strap and a mechanically adjustable clamp would ensure the flexible strap and adjustable clamp are protected from physical damages and provide aesthetic appearance to the structure.

Per claims 3-4, Doleshal as modified by Fuller et al shows the flexible strap being an annular band having ends for disposing in lapped relative, the strap being a moisture adsorbing material.

Per claim 6, Doleshal as modified shows all the claimed limitations except for the structure being a log cabin.

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It would have been obvious to one having ordinary skill in the art to modify Doleshal's modified structure to show the structure being of log cabin because it has been held that finding a new use for a known device would have been obvious to one having ordinary skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different structural columns coverings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

8/9/04